

Application No. 10/707,546  
Amendment due February 14, 2006  
Reply to Office Action of November 14, 2005

Docket No.: 22040-00025-US1

### **REMARKS**

Independent claims 3-7 are now pending in this application. Claims 1-2 have been canceled without prejudice or disclaimer. Claims 3 and 4 have been amended, and claims 5-7 have been added by this Amendment.

### **Traversal and Comments on Election of Species**

The Examiner now agrees that FIGS. 3 and 4 provide detail of the embodiment of FIG. 2, and do not represent separate embodiments as originally set forth in the Election of Species Requirement.

However, the Examiner goes on to state that "because applicant did not distinctly and specifically point out the supposed errors in the restriction [*sic* election] requirement between elected Embodiment [*sic*] (Fig. 5) and non-elected Embodiment (Fig. 2 to Fig. 4), the election has been treated as an election without traverse (MPEP §818.03(a))."

Applicant respectfully disagrees and traverses the Examiner's erroneous assertion. Applicant clearly pointed out in the provisional election response that the *entire formulation of the election requirement was in error* and, because of the requirement to at least provisionally elect an asserted species for continued prosecution, Applicant chose the arguable species of FIG. 5.

The Examiner goes on to erroneously assert that the limitation in claim 4 of "an analog circuit with feedback loop; an analog signal line is wired outside the layout of said analog circuit" belongs to the non-elected embodiment of FIG. 6, and that claim 4 was therefore withdrawn from consideration.

Applicant traverses the Examiner's unfounded position with respect to the withdrawal of claim 4.

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This withdrawal is traversed because FIG. 6 was never suggested as a distinct embodiment in the Examiner's formulation of the original election requirement. As mistaken as the requirement admittedly was by the Examiner, the original election requirement only identified Embodiments 1-4 described in FIGS. 2-5, respectively. There was no mention of FIG. 6 being a separate embodiment. FIG. 6 illustrates a circuit with a feedback loop.

Further, as discussed below, the Examiner has already examined claim 4 on the merits, thus appearing to render moot his statement that claim 4 has been withdrawn. Applicant submits that no further burden will be imposed on the Examiner to rejoin claim 4, as initial examination of this claim has already occurred.

Accordingly, reconsideration of the withdrawal of claim 4 is requested.

#### **Claim Objection**

It appears that the Examiner intended to pose an objection to claim 3, even though the heading in the Official Action before paragraph 2 reads "Specification", and the specific claim is not identified. In order to fully respond to the Official Action, Applicant has assumed that the objection is to claim 3.

Withdrawal of the objection to claim 3 is requested. Claim 3 has been amended in a manner that is believed to overcome the Examiner's objections, thus rendering the objection moot.

#### **Amendment to the Specification**

##### ***Objection to the TITLE***

Withdrawal of the objection to the TITLE as not being descriptive is requested. The TITLE has been amended in manner believed to convey one aspect of the novelty of the claimed invention.

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Applicant will consider any alternative TITLE suggested by the Examiner.

***Correction of Obvious Typographical Errors***

Various specification paragraphs have been amended to correct obvious misspellings in the application. Entry of the replacement paragraphs is requested.

No new matter is involved with any Specification amendment.

**Indefiniteness Rejection Under §112, ¶2**

Withdrawal of the rejection of claim 3 under 35 U.S.C. §112, second paragraph, as being indefinite, is requested. Claim 3 has been amended in a manner that is believed to overcome the Examiner's stated basis for rejection.

Allowance of claim 3 is requested.

**Anticipation Rejection Over Applicant's Background Art**

Withdrawal of the rejection of claim 4 under 35 U.S.C. §102(b) as being anticipated by Applicant's Background Art (FIG. 1) is requested.

Applicant notes that anticipation requires the disclosure, in a prior art reference, of each and every limitation as set forth in the claims.<sup>1</sup> There must be no difference between the claimed invention and reference disclosure for an anticipation rejection under 35 U.S.C. §102.<sup>2</sup> To properly anticipate a claim, the reference must teach every element of the claim.<sup>3</sup> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference".<sup>4</sup> "The identical invention must be shown in

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<sup>1</sup> *Titanium Metals Corp. v. Banner*, 227 USPQ 773 (Fed. Cir. 1985).

<sup>2</sup> *Scripps Clinic and Research Foundation v. Genentech, Inc.*, 18 USPQ2d 1001 (Fed. Cir. 1991).

<sup>3</sup> See MPEP § 2131.

<sup>4</sup> *Verdegaal Bros. v. Union Oil Co. of Calif.*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

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as complete detail as is contained in the ...claim.”<sup>5</sup> In determining anticipation, no claim limitation may be ignored.<sup>6</sup>

The Examiner asserts that Applicant's FIG. 1 “discloses a semiconductor integrated circuit, comprising on the same chip: a plurality of circuit blocks composed by the CMOS process, which have ON/OFF functions of the power source; a control circuit (4) to control the ON/OFF functions of the power source of the plurality of circuit blocks; and analog control lines (105-1 to 105-3) connected between plurality of circuit blocks and the control circuit; wherein analog control lines are wired on the layout circuit block (3); when the power source of the certain circuit block (i.e. AM block) is turned ON by control circuit, the another circuit block (i.e. FM) is not controlled in a state of being ON simultaneously therewith. See also “BACKGROUND OF THE INVENTION”. ”

None of the above-cited limitations appear in either claim 4 or in FIG. 6. Further, Applicant's FIG. 1 Background Art does not disclose “[a] semiconductor integrated circuit composed by CMOS structure, comprising: an analog circuit with feedback loop; wherein an analog signal line for said feedback is wired outside the layout of said analog circuit”, as recited in independent claim 4.

Accordingly, reconsideration and allowance of claim 4 are requested.

#### New Claims

New claims 5-7 have been drafted to read on the elected species, to further define that which Applicant regards as his invention, in addition to avoiding the applied art. No new matter is involved with any new claim.

Consideration and allowance of new claims 5-7 are requested.

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<sup>5</sup> *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

<sup>6</sup> *Pac-Tex, Inc. v. Amerace Corp.*, 14 USPQ2d 187 (Fed. Cir. 1990).

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**Conclusion**

In view of the above amendment and remarks, applicant believes that each of pending claims 3-7 in this application is in immediate condition for allowance. An early indication of the same would be appreciated.

In the event the Examiner believes that an interview would be helpful in resolving any outstanding issues in this case, the undersigned attorney is available at the telephone number indicated below.

Applicant believes no fee is due with this response. However, if a fee is due, please charge CBLH Deposit Account No. 22-0185, under Order No. 22040-00025-US1 from which the undersigned is authorized to draw.

Respectfully submitted,

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